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Ret re
Aband.

UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF

Confirmation No.: 9553

SUTT

Group Art Unit: 3728

Appln. No.: 10/060,411

Examiner: BUI, LUAN KIM

Filed: February 1, 2002

Title: PACKAGED NAILS SUITABLE FOR SHEATHING HAVING ENLARGED
DIAMETER HEADS FOR ENHANCED RETENTION

May 5, 2004

* * * * *

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Hon. Commissioner of Patents
P.O. BOX 1450
Alexandria, VA 22313

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MAY 10 2004
TECHNOLOGY CENTER H3700

Sir:

Applicant respectfully petitions the Commissioner to withdraw holding abandonment of application serial number 10/060,411. A copy of a response previously filed December 8, 2003 along with a stamped receipt with a OIPE stamped date of December 8, 2003 are attached hereto.

A Notice of Abandonment mailed April 29, 2004 indicates that the application is abandoned for failure to timely file a proper reply to the Office letter mailed on September 24, 2003. Applicant is surprised to receive this Notice since the appropriate response was filed on December 8, 2003 which is within the three month statutory period set for reply. Attached hereto is a copy of a stamped receipt showing a stamped date of "December 8, 2004." Therefore, Applicant submits that a good faith submission of a response was made in a timely manner.

Applicant believes that no fee is necessary in accordance with MPEP 711.03(c)I. ("Where an applicant contends that the application is not in fact abandoned (e.g., there is disagreement as to the sufficiency of the reply, or as to controlling dates), a petition under 37 C.F.R. 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action and such petition does not require a fee.").

Respectfully submitted,

PILLSBURY WINTHROP LLP

By: 

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**RECEIPT FROM PTO FOR INDICATED ITEMS**

(Do NOT Use for New or Continuing Applications of Any Kind)
Use 2 postcards for all New Applications (including cont/Div/CIP)
Use this sheet when filing CPA or RCE

Appln. No: 10/060,411	Atty: Jack S. Barufka/KG
First Inventor: EDWARD SUTT	Date: December 8, 2003
Title: PACKAGED NAILS SUITABLE FOR SHEATHING HAVING ENLARGED DIAMETER HEADS FOR ENHANCED RETENTION	Attorney Docket No: 011988-0278449

ENCLOSED:

- ☒ Response/Amendment
- ☒ Amd/Resp Transmittal



CURRENT DUE DATE: December 24, 2003

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